

<div>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</div> <div><input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for.</div>		<div>FOR COURT USE ONLY</div>	
<div>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION</div>			
<div>In re:</div> <div>Debtor(s).</div>		<div>CASE NO.:</div> <div>CHAPTER: 11</div>	
		<div>NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING INTERIM USE OF CASH COLLATERAL [11 U.S.C. § 363]</div>	
		<div>This motion is being made under <u>ONLY ONE</u> of the following notice procedures:</div> <div><input type="checkbox"/> Hearing requested on emergency basis: LBR 9075-1(a); or <input type="checkbox"/> Hearing requested on shortened notice: LBR 9075-1(b); or <input type="checkbox"/> Hearing set on regular notice: LBR 9013-1(c):</div> <div>DATE: TIME: COURTROOM: PLACE:</div>	

1. **PLEASE TAKE NOTICE THAT** Debtor moves this court for an order authorizing interim use of cash collateral.
2. **NOTICE PROVISIONS AND DEADLINES FOR FILING AND SERVING A WRITTEN RESPONSE:** Your rights might be affected by this Motion. You may want to consult an attorney. Refer to the box checked below for the deadline to file and serve a written response. If you fail to timely file and serve a written response, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief. You must serve a copy of your opposition upon the Debtor, the Debtor's attorney, the United States trustee, and also serve a copy on the judge pursuant to LBR 5005-2(d) and the Court Manual.

- a. ☐ **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** Debtor has contacted the court and requested an emergency hearing on less than 48 hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
- b. ☐ **Hearing Requested on Shortened Notice under LBR 9075-1(b):** Debtor has filed a separate motion asking the court to set a hearing on shortened notice, titled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice. The deadline to file and serve a written response will be contained in this document. If the court denies the Application, the Debtor will provide written notice of a regular hearing date or other proposed disposition of this motion.
- c. ☐ **Hearing Set on Regular Notice: Notice Provided Under LBR 9013-1(c):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(c). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-calendaring procedures [LBR 9013-1(b)].
- d. ☐ **Other (specify):** _____

Date: _____

By: _____
Signature of Debtor or attorney for Debtor

Name: _____
Printed name of Debtor or attorney for Debtor

MOTION FOR ORDER AUTHORIZING INTERIM USE OF CASH COLLATERAL

1. The use of collateral may generate cash that is Cash Collateral in which one or more creditors have or claim a lien or other security interest. The Debtor cannot use Cash Collateral without consent of the creditor(s) or a court order. The Debtor believes that Cash Collateral may be generated in this case and so seeks the court's order authorizing its use and providing adequate protection for that use to the affected creditor(s), as discussed below.
2. The Debtor in this case has filed a voluntary petition. The court has jurisdiction to grant the relief requested in this motion pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 363.
3. The Debtor believes that the use of Cash Collateral is necessary for the Debtor to continue the Debtor's operations and to reorganize.
4. Information about each collateral owned by the Debtor for which the Debtor seeks court permission to use Cash Collateral, and Debtor's proposed budget for each collateral is/are set forth as follows:

a. Collateral and budget #1

(1) Value of collateral: \$ _____

(2) Type of collateral

☐ Real Property

Street address: _____

Unit/suite no.: _____

City, state, zip code: _____

Legal description or document recording number (*include county of recording*): _____

☐ Equipment (*describe manufacturer, type, and characteristics*):

Serial number(s): _____

Location: _____

☐ Vehicle (*describe year, manufacturer, type and model*):

Vehicle identification number: _____

Location of vehicle: _____

☐ Other personal property (*describe type, identifying information, and location*)

(3) Income/rent generated: \$ _____ per month

(4) Liens:

1st Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Due date: _____

Amount in arrears: \$ _____

2nd Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Due date: _____

Amount in arrears: \$ _____

3rd Lien holder: _____ Principal balance due: \$ _____
Monthly payment: \$ _____ Due date: _____
Amount in arrears \$ _____

☐ Additional liens:

(5) Equity in the collateral: \$ _____

(6) The Debtor offers the equity in the collateral as adequate protection.

(7) The use or sale of the Cash Collateral generates more collateral (Replacement Collateral) each month (*check one*):

☐ The collateral generates rents each month of \$ _____.

☐ The sale of collateral generates working capital, which allows the generation of more products to sell each month, giving creditor sufficient Replacement Collateral to justify the use of Cash Collateral. The Replacement Collateral is \$ _____ per month.

(8) The generation of Replacement Collateral, as described above, is offered as adequate protection.

(9) Proposed Budget:

INCOME:

Rent: \$ _____

Sales: \$ _____

Other: \$ _____

Total Income: \$ _____

EXPENSES:

1st Lien holder: \$ _____
2nd Lien holder: \$ _____
3rd Lien holder: \$ _____
Repairs: \$ _____
Building: \$ _____
Plumbing: \$ _____
Electrical: \$ _____
Flooring: \$ _____
Other: \$ _____
Cleaning: \$ _____
Pest control: \$ _____
Landscaping: \$ _____
Insurance: \$ _____
Fire/liability: \$ _____
Other: \$ _____
Management: \$ _____
Electricity: \$ _____
Gas: \$ _____
Water: \$ _____
Trash Disposal: \$ _____
Supplies: \$ _____
Advertising: \$ _____
Other: \$ _____
Other: \$ _____
Other: \$ _____
Other: \$ _____

Total Expenses: \$ _____
Net Income: \$ _____

b. Collateral and budget #2

(1) Value of collateral: \$ _____

(2) Type of collateral

☐ Real Property

Street address: _____

Unit/suite no.: _____

City, state, zip code: _____

Legal description or document recording number (*include county of recording*):

☐ Equipment (*describe manufacturer, type, and characteristics*):

Serial number(s):

Location:

☐ Vehicle (*describe year, manufacturer, type and model*):

Vehicle identification number:

Location of vehicle:

☐ Other personal property (*describe type, identifying information, and location*)

(3) Income/rent generated: \$_____ per month

(4) Liens:

1st Lien holder: _____	Principal balance due: \$ _____
Monthly payment: \$ _____	Due date: _____
Amount in arrears: \$ _____	

2nd Lien holder: _____	Principal balance due: \$ _____
Monthly payment: \$ _____	Due date: _____
Amount in arrears: \$ _____	

3rd Lien holder: _____	Principal balance due: \$ _____
Monthly payment: \$ _____	Due date: _____
Amount in arrears \$ _____	

☐ Additional liens:

(5) Equity in the collateral: \$_____

(6) The Debtor offers the equity in the collateral as adequate protection.

(7) The use or sale of Cash Collateral generates Replacement Collateral each month
(check one):

- ☐ The collateral generates rents each month of \$_____.
- ☐ The sale of collateral generates working capital, which allows the generation of more products to sell each month, giving creditor sufficient Replacement Collateral to justify the use of Cash Collateral. The Replacement Collateral is \$_____ per month.

(8) The generation of Replacement Collateral, as described above, is offered as adequate protection.

(9) Proposed Budget:

INCOME:

Rent: \$ _____

Sales: \$ _____

Other: \$ _____

Total Income: \$ _____

EXPENSES:

1st Lien holder: \$ _____

2nd Lien holder: \$ _____

3rd Lien holder: \$ _____

Repairs: \$ _____

Building: \$ _____

Plumbing: \$ _____

Electrical: \$ _____

Flooring: \$ _____

Other: \$ _____

Cleaning: \$ _____

Pest control: \$ _____

Landscaping: \$ _____

Insurance: \$ _____

Fire/liability: \$ _____

Other: \$ _____

Management: \$ _____

Electricity: \$ _____

Gas: \$ _____

Water: \$ _____

Trash Disposal: \$ _____

Supplies: \$ _____

Advertising: \$ _____

Other: \$ _____

Other: \$ _____

Other: \$ _____

Other: \$ _____

Total Expenses: \$ _____

Net Income: \$ _____

c. Collateral and budget #3

(1) Value of collateral: \$_____

(2) Type of collateral

☐ Real Property

Street address: _____

Unit/suite no.: _____

City, state, zip code: _____

Legal description or document recording number (*include county of recording*): _____

☐ Equipment (*describe manufacturer, type, and characteristics*):

Serial number(s): _____

Location: _____

☐ Vehicle (*describe year, manufacturer, type and model*):

Vehicle identification number: _____

Location of vehicle: _____

☐ Other personal property (*describe type, identifying information, and location*) _____

(3) Income/rent generated: \$_____ per month

(4) Liens:

1st Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Due date: _____

Amount in arrears: \$ _____

2nd Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Due date: _____

Amount in arrears: \$ _____

3rd Lien holder: _____

Principal balance due: \$ _____

Monthly payment: \$ _____

Due date: _____

Amount in arrears \$ _____

☐ Additional liens: _____

(5) Equity in the collateral: \$_____

(6) The Debtor offers the equity in the collateral as adequate protection.

(7) The sale or use of Cash Collateral generates more Replacement Collateral each month
(*check one*):

☐ The collateral generates rents each month of \$_____.

☐ The sale of collateral generates working capital, which allows the generation of more products to sell each month, giving creditor sufficient Replacement Collateral to justify the use of Cash Collateral. The Replacement Collateral is \$_____ per month.

(8) The generation of Replacement Collateral, as described above, is offered as adequate protection.

(9) Proposed Budget:

INCOME:

Rent: \$ _____

Sales: \$ _____

Other: \$ _____

Total Income: \$ _____

EXPENSES:

1st Lien holder: \$ _____

2nd Lien holder: \$ _____

3rd Lien holder: \$ _____

Repairs: \$ _____

Building: \$ _____

Plumbing: \$ _____

Electrical: \$ _____

Flooring: \$ _____

Other: \$ _____

Cleaning: \$ _____

Pest control: \$ _____

Landscaping: \$ _____

Insurance: \$ _____

Fire/liability: \$ _____

Other: \$ _____

Management: \$ _____

Electricity: \$ _____

Gas: \$ _____

Water: \$ _____

Trash Disposal: \$ _____

Supplies: \$ _____

Advertising: \$ _____

Other: \$ _____

Other: \$ _____

Other: \$ _____

Other: \$ _____

Total Expenses: \$ _____

Net Income: \$ _____

WHEREFORE, the Debtor prays that the court allow interim use of the cash collateral pursuant to the proposed budget(s).

Date: _____

By: _____
Signature of Debtor or attorney for Debtor

Name: _____
Printed name of Debtor or attorney for Debtor

DECLARATION OF DEBTOR RE INTERIM USE OF CASH COLLATERAL

I, _____, declare:

1. I am the Debtor in this bankruptcy proceeding.
2. I make this declaration of my own personal knowledge and would so testify.
3. I am the owner of the collateral listed in paragraph 4 of the Motion for an Order Approving the Interim Use of Cash Collateral (Motion) to which this declaration is attached.
4. The use of Cash Collateral is necessary for the reorganization of this case because: _____

5. The value of the collateral, as stated in paragraph 4 of the Motion is true and correct and based upon my own personal knowledge.
6. The value of the respective collateral, the respective liens thereon, and the equity in the respective collateral, as stated in the Motion is true and correct and based upon my own personal knowledge.
7. I offer the equity in the collateral as adequate protection of the creditor/lien holder's interests.
8. I offer the generation of replacement collateral, as described in paragraph 4 of the Motion, as adequate protection for the use of cash collateral.
9. The income and expenses listed in the proposed budget(s), as stated in the Motion, are true and correct expenses of the operation of the collateral.
10. I propose to use Cash Collateral pursuant to the budget(s) stated in the Motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING INTERIM USE OF CASH COLLATERAL [11 U.S.C. § 363]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.